

Serial No. 10/691,907

REMARKS

This amendment is responsive to the office action dated July 12, 2005.

Claims 1-19 were pending in the application. Claims 5, 6, 11 and 12 were rejected. Claims 1-4 and 17-19 were allowed. Claims 7-10 and 13-16 were determined to be allowable but were objected to.

By way of this amendment, the Applicant has amended claims 5 and 11. Claims 1-4, 6-10 and 12-19 remain unchanged.

Accordingly, Claims 1-19 are currently pending.

I. REJECTION OF CLAIMS UNDER 35 USC 102

Claims 5, 6, 11 and 12 were rejected under 35 USC 102(b), as being anticipated by US Patent No. 6,334,693 (Lee). The Examiner stated that Lee discloses a housing with a front end, a back end a top surface, a channel configured with complementary formations to slidably receive a tool and a closure element.

The Examiner states that Lee discloses a housing 10 including a primary compartment 15 for receiving a primary tool 37. The Examiner further states that the housing includes a secondary compartment for receiving a secondary tool (flashlight). *It is quite clear from this analysis that the Examiner is using the one and only compartment in Lee as both the primary and secondary compartment.* The Examiner has identified the primary tool as 37. Reference numeral 37 indicates the flashlight. The Examiner then went on to identify the secondary tool as the flashlight. This analysis clearly makes the primary and secondary tool the same tool. The claims of the present invention clearly require that a primary tool reside in a first primary compartment and a different secondary tool reside in a secondary compartment.

Similarly, the Examiner has identified the primary compartment as reference 15 and then identifies the secondary compartment as 15. Again, the Examiner has combined the primary and secondary compartments identified in the claims of the present invention as the same single compartment.

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The present invention in Claims 5, 6, 11 and 12 all include claimed limitations that the housing that is configured to include two separate and distinct compartments, a primary compartment for receiving a primary tool and a secondary compartment for receiving a secondary tool. The claims clearly include these limitations.

By way of contrast, the Lee device provides a tool that has one and only one compartment in the side of the tool itself. Lee discloses a pipe wrench that includes one compartment into which the flashlight tool is placed via an opening in the side of a primary tool. The handle of the primary tool serves as the one and only compartment. There is no primary housing for receiving a primary tool as disclosed and required by the claims of the present invention. A very large opening is provided in the handle of the Lee device, which in turn requires a large closure panel. This large operable closure component is easily broken or subjected to damage creating an undesirable feature as compared to the claimed device of the present invention.

Further, the Applicant has amended the claims to positively claim that the channel receives and retains the secondary tool. The Applicant has removed the non-limiting language "adapted to" and instead used the adapted to language to more properly modify the mating formations within the channel rather than the channel itself. Therefore, as amended the claims require that the channel in the housing receive and retain the secondary tool, a feature not included in the cited Lee disclosure.

Since the present invention recites claimed subject matter that is not disclosed in Lee, the Lee reference cannot anticipate the present invention under §102(b). Accordingly, this rejection is not believed to be maintainable or applicable. Reconsideration, and withdrawal of the rejection is respectfully solicited.

V. CONCLUSION

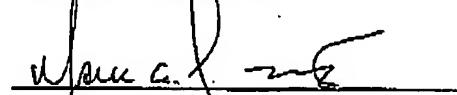
Accordingly, claims 1-19 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

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PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,



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